

Remarks

Applicant has carefully reviewed and considered the Examiner's Action mailed July 10, 2008, in which claims 16-17 were objected to as containing subject matter allowable over the prior art of record. Reconsideration is respectfully requested in view of the comments set forth below.

By this Amendment, the subject matter of indicated allowable claim 16 and intervening claim 15 is added to independent claim 10, claims 10 and 17-19 are amended to depend from amended claim 10, and claims 15 and 16 are cancelled. Accordingly, claims 10, 13-14, and 17-19 are pending in the instant application.

Claim 19 was objected to because it was dependent upon a cancelled claim. Claim 19 has been amended to depend from independent claim 10. Accordingly, withdrawal of this objection is respectfully requested.

Claims 10, 13-15, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5, 678, 813 to Osako et al. (hereinafter referred to as "Osako") in view of U.S. Patent No. 6,612,669 to Boss. To the extent that this rejection still applies, it is respectfully traversed.

The claimed invention recites a single conveying track, comprising a first and a second conveying section (11, 16) for conveying printed products (8) and protective signatures (17), respectively. The second conveying section (16) has as an extended region (22), where a feeder (23) is arranged for supplying a protective signature (17). The two conveying sections (11, 16) are operatively connected to an intermediate conveyor (13), such that the intermediate conveyor (13) removes the stitched printed products (8) from the first conveying section (11), conveys these products further while

they are opened, and deposits them on top of a protective signature (17) that is conveyed on the second conveying section (16). In addition, an adhesive application device (24) and, upstream thereof, the feeder (23) are arranged in the extension region (22) of the second conveying section (16), upstream of the area 21 for depositing the printed products.

In contrast and according to the Figure 9 of Osako, Osako discloses two separate conveying tracks B, D for the printed products b', a', wherein the printed products b' that are collected and stitched on the first conveying track B are supplied with the aid of an intermediate conveyor 124a in the closed state to a feeder 124 and are stacked therein. The feeder 124 respectively withdraws one of the stacked printed products b', opens this product and deposits the product on a printed products a' that is conveyed on the second conveying track D.

Thus, Osako does not disclose the recited first and second conveying sections of a single conveying track, but rather has two separate conveying tracks. Consequently, there is no second conveying section of the conveying track as recited in claim 10 and no recited extension of such a section. That is to say, while Osako discloses feeders and an adhesive device, the adhesive application device 123 and the feeders 119 cannot be arranged on an extension of the recited second conveyor section, as required by claim 10.

As the Examiner acknowledges, Osaka does not disclose an endless intermediate conveyor. Instead, it is the Examiner's position that the secondary reference to "Boss teaches the use of an endless intermediate conveyor (10) positioned near an end of the first conveying section (3)" (Page 4, lines 4-5 of the Action). However, the endless intermediate conveyor taught by Boss does not include ascending and descending

sections so that the removal region of the first conveyor is operationally connected to a delivery region of a second conveying section, as required by independent claim 10 of the present application.

Boss relates to a tandem gathering and wire-stitching machine 44, composed of two individual gathering and wire-stitching devices A and B. The first gathering and wire-stitching device is provided with a number of feeders 35 for withdrawing signatures 1 and compiling these on the conveying chain 3 of the first gathering and wire-stitching device A, to form either finished products 1' or to form partial products 99. The finished products 1' are stitched in the stitching stations 47 and are supplied via a delivery station 4, for example, to a trimmer 37. The non-stitched partial products 99, on the other hand, are supplied to the second gathering and wire-stitching device B to be completed. A gap 9 is formed between the two gathering and wire-stitching devices A and B, wherein an intermediate conveying element 10 is arranged to bridge this gap. With the aid of grippers 22, arranged on a circulating link chain 18, on the intermediate conveying element 10 the partial products 99 are lifted off the conveying chain 3 of the first gathering and wire-stitching device A, are transported in the opened state to the conveying chain 8 of the second gathering and wire-stitching device B, and are deposited on the latter. Additional feeders 39 are arranged downstream of the area of deposit, which function to deposit the additional signatures required for completing the product onto the partial product 99 that are transported on the conveying chain 8. The printed product that is finished in the second gathering and wire-stitching device is stitched together in the stitching machine 40 and trimmed in the trimmer 41; but only after it is completed (see Figure 5 of Boss).

Whereas according to claimed invention, the printed products (8) gathered in the first conveying section (11) are always stitched in the stitching station (9) and the stitched printed products (8) are supplied with the intermediate conveyor (13) to the second conveying section (16), Boss does not disclose a stitching of the partial products 99, meaning they are supplied non-stitched to the second gathering and wire-stitching device B. In addition, the partial products 99 of Boss are deposited on the conveying chain 8 of the second gathering and wire-stitching device B, whereas the printed products (8) of our solution are respectively deposited on a signature (17) that is transported on the second conveying section (16).

Even if commonsense would indicate that Boss teaches providing an endless intermediate conveyor to move a printed product from one conveyor to another conveyor, Boss does not teach an intermediate conveyor that includes an ascending section positioned downstream from the removal region of the first conveying section, and a descending section oriented in a direction toward the delivery region so that the removal region of the first conveying section of the conveying track is operationally connected to a delivery region of the second conveyor section, as recited in independent claim 10. Accordingly, it is submitted that one of ordinary skill in the art employing commonsense would not modify Osako to have an endless intermediate conveyor with an ascending section and a descending section so that a printed product formed on the first conveyor can be combined with a protective signature added upstream to a second conveyor, as required by independent claim 10. Withdrawal of the rejection of claims 10, 13-15 and 18 is respectfully requested.

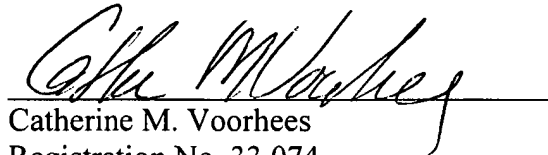
In view of the foregoing amendments and remarks, it is respectfully requested that

the rejection of record be withdrawn and that a Notice of Allowance be issued indicating that claims 10, 13-14, and 17-19 are allowed over the prior art of record.

Should the Examiner believe that a conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

Date: January 7, 2008

A handwritten signature in cursive script, appearing to read "Catherine M. Voorhees", is written over a horizontal line.

Catherine M. Voorhees
Registration No. 33,074
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

CMV/elw